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THE
DEFENCE
OF THE
PRISONERS IN YORK CASTLE,
FOR NOT PAYING
TITHES,
AGAINST THE CHARGES OF
GEORGE MARKHAM,
VICAR OF CARLTON, IN YORKSHIRE,
CONTAINED
IN HIS BOOK ENTITLED,
TRUTH FOR THE SEEKERS.

THIRD EDITION.

K Wormald (J.) and others.
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1797.

THE
DEFENCE

PRISONERS IN YORK CASTLE

TITHES



TRUTH FOR THE SEINERS

DEFENCE, &c.

AFTER having suffered, from the prosecution of George Markham; the hardships of a long imprisonment, in support of our religious principles, we did not expect to have this injury aggravated by a public attack on our character and reputation, and a charge of obstinacy, injustice, hypocrisy, and perjury. We hoped that he had, in some degree, become sensible of his unchristian conduct towards us, though that sensibility had not been such as to induce him openly to acknowledge it, and put an end to our imprisonment. We lament that the recollection of the months, and even years, which have passed since our confinement, has been so far from softening his resentment against us, that, not content with depriving us of our liberty, he is endeavouring to bereave us of our good name, and render us odious and despicable. We trust, however, that we shall be able to set his charges and insinuations in a proper light, and to show that our conduct towards him has not been such as to merit the treatment we have received.

It is painful to appear before the public in the disagreeable business of controversy: but as we are forced into it, by the Prosecutor's appeal, we hope to find an apology in the feelings of every candid reader. If, in our vindication, many things which we have to say, should, as we suppose they will, bear hard

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upon

upon George Markham, we hope they will be attributed, rather to the nature of the things themselves, and the necessity of them to our defence, than to any satisfaction which we feel in lessening him in the eyes of the public. Could we have supported our cause, without depreciating him, charity would have dictated, and we should have embraced, the measure; but the rigour of his conduct, and his misrepresentations of us, have rendered this desirable mode of defending ourselves impracticable. But though we have no choice in this point, yet a Christian spirit, as well as good manners, will, we hope, preserve us from rendering railing for railing, or using any unbecoming language.

In replying to the Pamphlet before us, we shall not be very minute in our observations; but shall confine ourselves to short strictures on those passages of it, which more materially concern us.

To make a favourable impression on his reader, at the outset, George Markham represents himself, not as the persecutor, but as "the persecuted party." We think this is a weak attempt to shift the odium of persecution from himself, as well as a wanton trifling with the sufferings of his prisoners.

In the next paragraph, he asserts, that, "as to the nature of the claim in contest, *Tithes*, no man disapproves, no man detests it, more than he does." Is this assertion consistent with his reviving the ancient dormant claim to the minutest tithable articles, which his predecessor

cessor had too much feeling to exact? Is it consistent with his casting men into prison, who for conscience sake could not pay his demands; and from whom he might have recovered by Justices Warrants? This introduction, designed to conciliate the favour of the reader, must fail of its effect, when his conduct is seen to be so opposite to his professions.

At page 4. to soften the rigour of his own claims, he endeavours to degrade the moderation of his predecessor. But such artifice, whilst it marks an ungenerous spirit, must be easily discovered, and defeat its own purpose. If his predecessor was without family, and in possession of another living, so also was George Markham; and that "sluggishness," as he is pleased to term it, which preserved the preceding incumbent from harassing and distressing his parishioners, is much more eligible than that eager activity which pursues a little interest, at the expense of the property, liberty, and comfort of others.

It appears that the old incumbent passed his time peaceably and quietly amongst his neighbours: how different from that spirit of contention and litigation, which distinguished the conduct of George Markham towards his parishioners; the care of whose souls, according to the office he had assumed, was committed to him! The former Incumbent appears too to have left the world, in easy circumstances; but Geo. Markham informs us, that, in support of ecclesiastical demands, "he has spent every guinea that he could muster:" a striking admonition to

our prosecutor, as well as to all others who may be disposed to tread in his steps!

In page 5: He states, that “ about six years after
“ the bill was filed against the Parishioners, being
“ well informed that, however favourable the de-
“ cree might be to him, the rest of the Quakers,
“ notwithstanding their pretences to the contrary,
“ would pay nothing without compulsion, he filed
“ another Bill against them, to prevent, as much
“ as possible, the control of the Statute of Limita-
“ tions.” *

If George Markham here means to insinuate, that his delay of commencing the suit against us, was from a principle of indulgence, and a hope that we would at length voluntarily comply with the demand, without his proceeding to enforce it, we must take the liberty of controverting that point. The religious testimony which our Society has steadily supported against the payment of Tithes, or any commutation for them, is so well known, that George Markham could not be ignorant of it. He admits, at page 4, “ that in this parish, it appeared from his

* We may inform the reader, that the first suit by George Markham was brought against six of the Parishioners, to try his Title to the Tithes, and to ascertain minutely their amount. In this cause, William Wormall, a member of our Society, and Benjamin King, a person who had long been disowned, were united. Several years after the commencement of this suit, and before judgment upon it, he instituted a fresh suit, and proceeded in the cause in which we are concerned. Having obtained a decree in the first cause, he effected a compromise with most of the farmers and proprietors of Lands in the parish, and dropped the further prosecution of it, except against the said William Wormall and Benjamin King, who refused to come into the agreement. William Wormall is since deceased; and we understand that George Markham still intends to imprison Benjamin King, who is now about eighty-five years old. This short history of the different suits, will, we presume, be sufficient to enable the reader properly to distinguish them, and to perceive the impropriety of blending them together.

“ predecessor’s

“ predecessor’s books, that the Quakers had been
 “ in arrear to him for tithe-payments, ten, fif-
 “ teen, twenty, and some near thirty years at a
 “ time.” We had declared to him, that we could
 not, consistently with our principles, pay him these
 demands. How then, with this knowledge of our
 principles and practice, and of our own explicit re-
 fusal, could he expect that we would comply with
 his requisitions? Is it probable that his delay in
 filing his bill against us, arose from a principle of
 lenity, and a hope that we would at last yield to his
 claim? It appears to us that the real ground of his
 delay, was the uncertainty of success, and that the
 Bill was filed as soon as he became assured that he
 would succeed in the first suit. With what truth,
 he can say, “ that we made pretences that we
 “ would pay his demands without compulsion,” we
 are at a loss to conceive. We did not act so incon-
 sistently with our principles; and the assertion is as
 ill founded, as it is injurious to us.

If he were in danger of control from the Statute
 of Limitations, which we cannot admit, this is to
 be attributed to himself. Had he been disposed to
 pursue, in proper time, and at regular periods, the
 short and easy mode of recovery prescribed by the
 acts of William III. and George I. he would have
 experienced no embarrassment of this kind, in
 obtaining what the Law has assigned him. We may
 venture to assert, that it is not probable he would
 have met with opposition, if he had thought proper
 to separate his legal demands, in those instances

where they were aggregately too large for the Justices jurisdiction.

At page 6, we are charged with direct falsehood, and duplicity of conduct. "These very Quakers; (says he) "who now urge their religious tenets, in "bar to *all* tithe-payment, obtained peculiar favour "from a Court of Equity upon the pledge of *obedience* to the decision of such Court, whenever such "decision should be made known to them." That we ever declared or intimated that, under any circumstances whatever, we would comply with the decree of the Court, so as to pay the Plaintiff's demand of Tithes, we must explicitly say, is not true. We may have said, or our Counsel may have said for us, that if the *modus* were overturned in the first suit, we would not dispute *that* point, nor, perhaps, the Plaintiff's *legal* title to the Tithes in controversy: but this is essentially different from a declaration, that we would, in that case, not only submit, but also pay the sum decreed against us. We hold it to be our duty passively to submit to the Laws and legal decisions of our Country, and the Government under which we live, even when they ordain things with which we cannot in conscience comply: but we think it better to suffer the loss of all things here, than to violate our religious principles by an active compliance with what we believe to be wrong. We do not deny that some Members of our Society, who united with the Parishioners in defending the first suit, paid their share of the Costs of trying the legal Title to the Tithes. This they apprehended might
be

be conscientiously done; and consistently with their testimony against paying the Tithe itself, or the sum decreed in lieu of it. They do not think they are precluded from putting to a legal issue, any claims upon them which they apprehend to be contrary to Law; nor from paying the Costs, if they should be found to be mistaken. The charge, therefore, of inconsistency, which, on this occasion, is made by Geo. Markham, has, in their opinion, no just foundation.

In page 6, we find the following reflections:—
 “ After great additional expense, incurred through
 “ their refusal of every proffered condition, when
 “ we once more came before the Court, these very
 “ men adopted every contemptible quibble, trick,
 “ evasion, and delay, that could be devised for them;
 “ and, at last, had even the assurance to contend
 “ most pertinaciously for a title to the benefits of the
 “ general agreement, which they had always reject-
 “ ed.” The former part of this sentence contains charges urged in a vague and general manner, and without the least proof; and may very naturally be supposed to have arisen from a mind yet sore with the remembrance of the interruptions, which the forms of Law gave to its earnest desires to prosecute to the utmost, men who had really never injured him. We are not conscious of having adopted any measures merely for the purpose of delay, the expense of which we must have known would, in that case, ultimately fall upon ourselves. Whether our Counsel thought it right to contend for the benefits of the general Agreement, we know not: but we are
 certain

certain that we never instructed any of them to do so. We may here make an observation which may apply to several charges and insinuations contained in this Pamphlet: the Counsel whom we employed, though men of abilities, and disposed to exert themselves honourably in support of our cause, may not have fully comprehended the nature of our religious scruples; and may, therefore, in their pleas, proceedings, and proposals, have sometimes expressed sentiments and views, very consonant with their own and others ideas of propriety, which yet did not accord with our peculiar opinions. Every just and candid person will, on such occasions, make proper discrimination: and if George Markham had done so, he would have suppressed several charges of inconsistency, which are contained in his Pamphlet.

George Markham, page 7, says, that when the dispute was decided, "The Defendants thought proper to bid defiance to the Decree, and for such their contempt of Court were attached and sent to York Castle." From this representation of our conduct, it might naturally be supposed, that either we set ourselves in opposition to the execution of the Decree, or that we made use of contemptuous or unbecoming language respecting it. But we were far from acting or speaking in that manner, and quietly submitted to the attachment which he had procured against us. Instead of a considerable force to guard and convey us to prison, a single Bailiff, with his Assistant, was found sufficient to manage eight persons: and such was his confidence in our peaceable

peaceable and submissive behaviour, that he permitted us to lodge at the houses of our Friends. And as we bore our own expenses on the road, it is difficult to account for the "fruitless" charge of 37l 18s. which George Markham alleges he expended in conveying us to the Castle. It is probable that when George Markham penned the account of this last severe proceeding, he thought it necessary to lessen the odium of it, by describing us as refractory, and violent opposers of the law.

In the same page, we are represented as "opposing motions for our enlargement, and preferring the confinement of our bodies to the surrender of our effects." This charge we must also reject; as we have opposed no such motions, nor expressed any unwillingness to be brought before the Court at Westminster. When George Markham's Counsel moved for a sequestration, did not the Court declare, that it could not be granted until the prisoners were brought up by Habeas Corpus? And did not his Counsel withdraw the motion, on account of the great expense which this step would occasion? How then can George Markham attribute this conclusion to our opposition? We think it proper to mention in this place, that as there has not been, since this motion, any step taken by Geo. Markham that would eventually discharge us from imprisonment, we have too much reason to apprehend, that if it depend on him, we may lie in prison for many years, perhaps for life: as was the case with our deceased friend, John Wilkinson, who was imprisoned with

with us. But to return to the last mentioned charge of George Markham: It is scarcely necessary to observe, that the same principles which led us to submit to imprisonment rather than pay Tithes, would teach us to decline all overtures for enlargement, on condition of surrendering our property. This consistent conduct, ought not to be charged upon us as crime or folly; and we trust it will not, by any impartial and considerate person. Whilst we thus endeavour to justify the uniform tenor of *our* conduct in this business, we must ingenuously own and lament the improper conduct of one of the Members of our Society who is imprisoned with us. Having heard that he had secretly made some overtures to Geo. Markham for his release from confinement, we, with others of our Friends, made serious enquiry into the transaction; and the result has afforded us too much reason to believe, that he has not, in this instance, acted consistently with our principles and his own profession. We trust, however, that this impropriety of conduct, in an individual, will not be considered as, in the least degree, imputable to us, who have been careful to act a uniform and consistent part. This transaction has been very much exaggerated by Geo. Markham in his Pamphlet, page 11, where he says that "*many* of these Defendants have recently, separately, and secretly, made overtures to him in this case." We are uncertain whether the Defendant, who is not a member of our Society, and who is imprisoned with us, has made such overtures, as well as the person before mentioned; but if he has,

has, these are the only persons of the present Defendants and Prisoners who have done so; and we think it is very unjustifiable in G. Markham, to express this charge in such terms as will naturally lead the reader to suppose, that the greater part of the Defendants had acted so inconsistently with their profession.

The instance of weakness in one of the Members of our Society, which we have just mentioned, can afford to George Markham but a poor cause of triumph. The reflection that he had, by long confinement, compelled one of his prisoners to deviate from his profession, would, if he possessed proper feelings, have caused regret instead of satisfaction. An upright adherence to the dictates of conscience, even when supposed to be misinformed, is a proof of integrity, and will command the respect of every feeling, conscientious mind.

At page 8 it is said, " After a great variety of attempts, both secret and open, both direct and oblique, sometimes to interest the public in their behalf, at others to obtain the interference of my friends, for the purpose of relieving them from the just and necessary grasp of the law, they induced their Society to force their case upon the consideration of Parliament." After we had experienced so much rigorous treatment from our prosecutor, and had no reason to hope that a sense of his severity and of our hardships, would procure our release, it cannot surely be imputed to us as misconduct, that the sympathy of our friends with our sufferings,

ferings, induced them to apply to Parliament for our relief. Neither we nor they have, either privately or publicly, as George Markham insinuates, made use of any measures that were mean or unjustifiable, to effect our enlargement: and it is not in his power to show any thing dishonourable in the attempts which have been made to rescue us, not from the "grasp of the law," but from the grasp of our inflexible Prosecutor. The liberality of sentiment which prompted Serjeant Adair's motion, and the ability with which it was supported by him, were so conspicuous, that Geo. Markham's attempt to degrade them, must be harmless and ineffectual. That they influenced the house of Commons to pass the Bill, is a sufficient and unequivocal testimony to the integrity and abilities of the respectable Serjeant, as well as a proof of the equity of the cause which he espoused. Though the Bill, notwithstanding the favourable sentiments of it expressed in the House of Peers, did not pass that House, we yet hope to see the justice of its principle not only supported, but extended; and the bodies at least, of all persons who are conscientiously restrained from paying Tithes, protected from a prosecutor's resentment.

With respect to his comments at page 10, on some of the principles of our Society, viz. the power of the civil magistrate, the nature of the gospel ministry, the holy Scriptures, &c. it seems not to be our business to enter into much explanation or controversy respecting them. The writings of several of our friends have sufficiently explained and supported

ported these principles; and to them we refer the reader who is desirous of further information.* There are, however, several intimations or inferences of Geo. Markham's respecting some of those points, which seem to demand our attention. In reply to that argument, in favour of a disinterested ministry, which is derived from the direction of Christ to his Apostles, when he sent them to preach the gospel, "Freely ye have received, freely give," he quotes the subsequent passage of the context, "*The workman is worthy of his meat.*" This quotation, by its being printed in Italicks, appears to be advanced with a view to show his right, and support his claims against us. If he had recollected that we never desired his services, and that he never had worked for us, he could not, surely, have urged such a groundless plea. It is totally inapplicable to us. But if we had received his mission, and he had laboured to promote our religious welfare, the spirit, if not the letter of the text and context, would have prescribed strict limitations to his demands, and admonished him to be content with necessary food and raiment; and would have allowed him even these, only whilst he was so diligently employed in preaching and spreading the gospel, that he could not apply to the means of support. But this contentment with a moderate supply of his wants, is widely different from that disposition, which has taught him to hunt after our property; to perplex us with a tedious and expensive suit; and, at length, to cast us in-

* See particularly Robert Barclay's Apology.

to prison, when we could not comply with his demands: a species of conduct certainly not very apostolical; and which would assuredly have made us question his right to officiate, as our teacher and spiritual father!

With a view to show the necessity of our obeying the Laws and Government, and that we have no right to plead the dictates of conscience against them, Geo. Markham brings forward the Apostle's injunction to the Romans: "Let every soul be subject to the higher powers; for there is no power but of God: the powers that be, are ordained of God, Wherefore ye must needs be subject, not only for wrath, but also for *conscience*," &c. Whilst we regret the spirit of persecution and intolerance, which prevails in many countries, we rejoice in the benefits which we and others enjoy under the British Constitution and Government: and the Society of which we are members, have frequently, in their public addresses, gratefully acknowledged the privileges which have been extended to them. But however excellent the laws of our country generally are, and how much soever entitled to our respect, we presume they are not perfect; and that a repeal of those especially, which enable men to oppress their fellow subjects, who for conscience sake cannot comply with their demands, would be a just and rational improvement. We hope that no person will think we depreciate these laws, when we prefer before them the great Law of our duty to Him that made us.

That the Apostle, in the passage just recited, could not have meant to injoin unlimited obedience to the existing

existing Laws, is indisputably evident, from the knowledge which he had of his fellow Apostle's conduct; from his own labours to wean the people from the *established* superstitions then prevalent; and from the destruction to Christianity which such an injunction must probably have occasioned. The only rational and consistent interpretation of the Apostle's language in this place, appears to us to be, that he advises Christians to be obedient to the higher powers, in things that do not violate their religious principles; and that, in cases which do violate them, they are not to use resistance, but rather quietly submit to the sufferings to which their religion may expose them.

The construction which George Markham seems to contend for, namely, that conscience must bend to the mandates of civil authority, would be attended with more pernicious effects to religion, than we hope he would wish to support. If he resided under a Popish Government, or in Turkey or China, would he think it his duty to prostrate himself at the elevation of the Host, to acknowledge the Impostor Mahomet, or to bow to the Emperor's Idols, and to abjure the Christian religion? Not so did Daniel, when he openly worshipped the Lord according to his religious sentiments, though the King had otherwise decreed: Not so did the apostles Peter and John, when they preached Christ, though they had been forbidden. These upright and faithful men magnanimously replied to their Rulers, "Whether it be right in the sight of God,

“ to hearken unto you more than unto God, judge ye; for we cannot but speak the things which we have seen and heard.” The principle which George Markham appears to espouse, would have crushed the Reformation, and rendered an adherence to Popery, with all its superstitions, a virtue: it seems to justify persecution; and tends to extinguish all improvements in religion.

The cases which we have stated may be called extreme cases; but they are not imaginary; and perhaps they more decisively settle the point in question, than cases stated in a lower degree. The limitation of the Civil Power, and the inalienable rights of men, in matters of conscience, are the same in nature, whatever may be the cases to which they are applied; and the controuling power is alike supreme, whether the duty be of greater or of less magnitude.

Some inconveniences may indeed occasionally arise from the performance of duties which do not accord with the laws of the country; but what are they when compared with that mass of evil and oppression, which the contrary principle involves, and has often produced? There are few advantages, of great extent especially, which are not attended with some inconveniences: but in our case, these can never be of great moment. We do not disturb the peace of society by our principles: we hold it to be our duty to avoid all violence; and passively, as well as patiently, to trust in Providence, and take the consequences of adhering

adhering to our religious duties. Thus, by supreme reverence to the Divine Law, and passive submission to the penalty inflicted by the Civil Magistrate, we think we reconcile our duty to God and to man; and, in the proper sense of it, comply with the injunction expressed by the Apostle.

Though we believe it is right not to oppose the execution of the Laws, even when they encroach on our religious duties, we do not imagine that we are precluded from remonstrating against the hardships which they impose, nor from animadverting on the rigour of those who enforce them. By the former, the grievances may be quietly redressed; and by the latter, men of hard minds may be deterred from severe and oppressive prosecutions.

We think it is our duty to contribute to the support of Civil Government, by rendering "Tribute to whom Tribute is due, Custom to whom Custom, &c." And we trust, that the correspondent practice of our Society, and its care to act uprightly in this business, are incontrovertible. To "render unto Cæsar the things that are Cæsar's, and unto God the things that are God's," are precepts which we are desirous of faithfully and conscientiously obeying.

If George Markham, in quoting the Apostle's injunction, supposed that our case was not a case of Conscience, and that therefore the precept applied to us in its literal and unqualified meaning, we desire him to reflect, that it is presuming too much to decide on the judgment and feelings of others;

others; and that, in religious concerns, or those which are conceived to be such, every man must stand or fall, according to his obedience or disobedience to the Great Searcher of hearts. When men openly declare their sentiments, act a steady and consistent part, and suffer in support of their professions and conduct, they give the best evidence of their sincerity, and have a right to be treated with moderation and charity.

At page 11, George Markham asserts, that our "plea of Conscience is fictitious. Benjamin King, one of these Quakers, but just now taken in execution, leased, and himself collected, the great Tithes of his own Township for several years. The Society having heard of this charge against him, have now affected to disown him. But he still affirms himself to be a friend."

This paragraph contains very gross misrepresentations. Instead of the Society affecting *now* to disown the said Benjamin King, the truth is, that he was disowned upwards of fifty years ago; and that after his disownment, not before it, he became a Tithe-Farmer. Nothing but an earnest desire to reproach and degrade us, could have hurried George Markham to conduct his charges with so little policy, and to expose himself to such certain detection. It is worthy of remark in this place, that in the title of the cause, on the back of the Title-Page of his Pamphlet, George Markham has inserted the name of Benjamin King, as one of the Defendants, when, in fact, he never was a Defendant

pendant in the suit against us. This appears to be a piece of art, to colour the general charge of duplicity against us, by involving us, and others of the Society, in what he has to say against Benjamin King.

If Benjamin King, or any others who have been disowned as Members of our Society, " still affirm " themselves to be Friends," we cannot prevent such pretences. The Society does its part in marking their deviations by public disownment: and though many persons in this situation may, by their conduct, occasion some reflections on the Society, from those who take them to be Members of it, yet we hope there are many candid and judicious persons, who make proper distinctions, and exonerate the Society from such unjust imputations.

George Markham says, that " the Quakers' Plea " of Conscience is not adhered to: That they pay " Tithes by collusion in every part of the Kingdom, " and that they have heretofore paid them thus in " the Parish in question." It is well known that the Society is vigilant in endeavouring to support its testimony against the payment of Tithes. The annual account of their sufferings on this head, at once prove the principle, and the care to support it. If some of its Members still deviate from the rules, and elude the care of the Society, it cannot, surely, be chargeable on the body, which laments, and endeavours to counteract the defection.

In the same page, George Markham has proposed, as a relief to our consciences, " that we " should

“ should pay the Tithes in our rentals to our
 “ Landlords, and that the latter should become
 “ responsible to the parish priest.” But such a
 proposal denotes either very little knowledge of our
 principles, or a low opinion of our integrity. If
 we object to paying the Tithes ourselves, how can
 we, with any consistency, contract with the Land-
 lord to pay them for us? It were much better to
 pay them avowedly, than to adopt such a dishonest
 collusion.

We have asserted, that the claims of George
 Markham are within the powers of the Acts of
 William III. and George I. and that, if he had
 been so disposed, he might, by law, have recovered
 them under those acts, in a mode far less oppressive
 than that which he has chosen. To this he has re-
 plied, page 12 of his book, “ That the Magistrates
 “ evaded the complaint *in toto*, on account of a
 “ pretended informality in the service of the sum-
 “ monses.” We have made further enquiry into
 this affair, and it appears that the Magistrates did,
 indeed, avail themselves of the informality of the
 summonses to dismiss the complaint; but that the
 chief ground of their rejecting it, was the exor-
 bitancy of the demand. And this clearly appears
 from the testimony of a respectable Magistrate who
 was then present, and who is the only survivor of
 the Justices before whom they were summoned.
 This Magistrate declares, that the ground on which
 the complaint was dismissed, was the exorbitancy
 of his demands. The Justices so forcibly repre-
 sented

sented the unreasonableness of his claims, that, in the warmth of temper, he declared he would prosecute each person in the Court of Exchequer. The Justices, hoping that he would apply again in a better disposition, told him, that if he would make reasonable demands, his claims should be attended to. George Markham alleges that "The Magistrates were not friendly to the business." Why they should be less so to him than to us, is no otherwise to be accounted for, than from the injustice and unreasonableness of his claim. One of them, namely, Henry Zouch, was a Clergyman of the Church of England (though Geo. Markham does not speak of him as such); and therefore may be supposed to have been as favourable to his cause as the nature of it would admit of. If the informality of the summonses were the only ground of exception, George Markham might easily have remedied that inconvenience, had he really been averse to the severe mode of prosecution which he has adopted against us.

In answer to our assertion, that the complaint was dismissed by the Magistrates, on the ground of the complainant's extravagant charge, he says, page 12, "The assertion is both futile and false upon the very face of it; because the value is to be settled by the Justices." But he does not reflect, that the Justices, previous to ascertaining the value, must receive the complainant's charge or account, and hear the parties in answer. It was in this stage of the business (in which exorbitant charges might

certainly have appeared) that his unreasonable demands were reprobated.

George Markham asserts, that " the ground of " the complaint was not gone into before the " Justices : but, if it had been canvassed, it is in " proof that the intended defence was not, as is " now asserted, a surcharge upon the articles in " question." That the ground of the complaint was gone into, sufficiently appears from what has been already observed ; and from the testimony of the surviving Justice. If we, or any of us, had intended to set up a Modus against the Vicar's claim, that intention must have appeared at the time. But no such intention existed, and nothing of the kind was hinted or proposed. We must therefore put him to the proof of what he has so confidently asserted. That we had no intention to plead any Modus before the Justices, is fairly presumable from the bar which that plea would have formed to their jurisdiction ; and from the consequent removal of the cause into a Court, where we knew we must meet with heavy expenses, as well as the danger of imprisonment.

It is true that, in our answers to the Plaintiff's Bill, we mentioned certain Moduses, which we understood had been customarily paid ; but this was extorted from us, by the nature of the interrogatories contained in the Bill ; and we never adduced any witnesses to support it, nor put the Court upon deciding that point. But if we had voluntarily pleaded the Modus in answer to the Plaintiff's Bill,
and

and had endeavoured to support it by evidence, this would not prove that we had intended to do so before the Justices. The expense and danger, with other considerations, might have induced us prudently to wave that plea when summoned before the Justices, which yet, when we were forced into the Exchequer, might be very consistently advanced and urged.*

We desire that what we have said respecting the Acts of William III. and George I. for the more easy recovery of Tithes, may not be understood as conveying an idea that we are completely satisfied with the provisions of those Acts. Our religious testimony against the payment of Tithes, extends to them in every form, and under every regulation. But when the Legislature has wisely directed an easy way of recovering them, instead of oppressive suits in the Exchequer, and the Ecclesiastical Courts, we think we have a right to complain, if the prosecutor, rejecting the mild and easy mode, should select that which is attended with ruinous charges on our estates, and unlimited imprisonment of our bodies.

What George Markham says at page 13, respecting putting in separate answers to a single Bill, does not apply to us. If William Wormald chose to separate his answer from that of Benjamin King, or others in the suit against them, it stands as a proof of our deceased friend's integrity, who could not

10* From what we have said on this subject, it is evident, that the assertions in the Court of Exchequer, and in the House of Commons, and elsewhere, that a Modus was actually pleaded before the Justices, is entirely destitute of foundation. Even George Markham himself does not, in his pamphlet, aver it.

unite in the answers of others; and probably was therefore necessitated to form one for himself, consonant to the dictates of his own mind.

In the same page, we are charged with "the grossest and foulest perjuries." This is a reflection of so heinous a nature as to require the clearest evidence to justify it; but, like many other of his assertions, it is utterly destitute of foundation. To support the charge, he alleges two facts, viz. "They have sworn to (alias affirmed) a barren cow-modus, which they know to have no shadow of existence, and which they never meant to support: and they denied upon oath (or affirmation) all knowledge of a combination to oppose the Vicar." Whether this barren cow-modus is the creature of his own imagination; or whether what he says of it may be applicable to any others whom he has prosecuted, we presume not to determine; but we do not hesitate to assert, that none of his present prisoners have made the affirmation with which he has charged them. We must also dispute the justness of the other part of his proof. We did indeed deny all manner of *unlawful* combination and confederacy; but we did not deny the *knowledge* of a general agreement to oppose the Vicar's claim. That there was such an agreement we very well knew. What seven of the prisoners denied was, their having ever subscribed or paid, or agreed to subscribe or pay, any sum or sums of money, for defending or prosecuting any suits respecting the said George Markham's claim to the
Tithes

Tithes of the Parish of Carlton. This was true ; and is, surely, very different from denying all *knowledge* of the fact. What then becomes of his charge against us, of having been guilty “ of the “ grossest and foulest perjuries ? ” There is not the shadow of proof to support it. He certainly deserves reprehension at least, for so wanton and unjust an attack on our characters, by a charge involving such serious and important consequences.

Though he appears solicitous to avoid the odium of having litigiously extended the proceedings, and of having accumulated upon us unnecessary expenses, yet we think these charges still attach upon him ; and we believe the public, as well as ourselves, will think that he has pursued us with great severity and inhumanity. It is in vain that he attempts to disguise his own harsh treatment of us by assigning it to the laws : “ These Quakers (he says) are pursued with legal rigour *as Criminals*. ” The Laws which respect the present case, whatever severity may mark them, cannot put themselves in operation. It is the activity and passions of men which bring them to bear upon us ; and George Markham is the instrument which has voluntarily put them in motion. Whilst we regret, that there is power given by these Laws to unfeeling men to harass and oppress their fellows, we cannot acquit the willing Agent, who earnestly presses forward to enforce their rigour !

It might have been expected that Geo. Markham would have been satisfied with a rigorous prosecution

and publick misrepresentation, without loading us with opprobrious and abusive language. To this, however, he has descended. The following are some of the very unbecoming expressions which he freely applies to us:—" Their own fantastick ideas ;" " Their hypocritical pretences ;" " The vile misrepresentations of the Quakers ;" " They have adopted means the most despicable and immoral ;" " Their roguish obstinacy." If the cause which he meant to support were in itself tenable, it needed no such scurrilous appendages : and if it could not be vindicated, they would afford it no assistance. As the warmth of temper which dictated this abuse may possibly lead some of his readers to suspect, that many other passages in his book have been influenced by the same spirit, it was neither wise nor humane to indulge it, whatever gratification it may have afforded him.

After all the unrelenting severity which, in various forms, we have experienced from this man, we shall leave the reader to judge of the truth of his declaration, when he says, " It cannot, surely, be supposed that their imprisonment is any gratification to me." However this may be, we think ourselves warranted in doubting whether any part of his conduct has been influenced by a principle of lenity towards us ; and therefore we must object to the declaration contained in the following note at page 13. " They should be informed that my lenity stands demonstrated. It was in my power to have transported them under the Lord's Act, for their refusal

“ refusal to assign their effects.” We do not believe that it was in his power to transport us under the act alluded to: and if he could have done it, where is the lenity, in not driving a number of his industrious Parishioners into banishment, because they could not in conscience pay his demand of Tithes? Such a restraint upon himself might, in that case, mark a repugnance to extreme cruelty, but in no propriety of language could it be denominated tenderness. We cannot certainly say, that, had it been in his power, he would have proceeded to this rigorous extremity; but we have some reason to suppose it; for we understand that he has said, “ He would drive every Quaker out of the parish.” The same aversion to this people would probably make him wish to drive them out of the kingdom. If, by a particular clause in the present Insolvent Act, we should be discharged from imprisonment, and the said George Markham, in a spirit similar to what we have just mentioned, should again prosecute us in the Court of Exchequer, for the Tithes claimed since the decree against us, which has already been intimated by his Solicitor, we hope to bear with patience this extreme rigour, and to be supported under every severity, with which he may be permitted to pursue us.

Our Prosecutor appears to have a proper sense of severity and want of feeling in others; and has quoted, at page 21, an instance of it, which we think worthy of republication; and we hope the review of it may induce him seriously to pause, and say to himself,

himself, "Am I not the man?" "A farmer had the
 "misfortune to kill a hare, on his own ground: the
 "lord of the manor, instead of being contented
 "with the punishment of levying the fine of five
 "pounds, which he might have done before any
 "justice of peace, proceeded against him by action.
 "The farmer was taken in execution for debt and
 "costs, amounting to the enormous sum of one
 "hundred and forty pounds, and thrown into pri-
 "son, where he lay upwards of eleven years."

Notwithstanding we feel the injuries done to us
 by George Markham, and lament the spirit with
 which he still pursues us, we hope that we have not
 indulged an improper degree of warmth, or expres-
 sed ourselves in a manner unbecoming our profes-
 sion. We have thought it our duty fully to expose
 his misrepresentations, and animadvert on his con-
 duct; that we may not lie under unjust imputations,
 and that himself and others may reflect on the pro-
 bable issue of such unjustifiable proceedings. The
 bare recital of certain facts and perversions, does,
 indeed, involve severe reflections, but these are not
 imputable to us who state them, but to him who has
 obliged us to do so.

Though the person, on whose conduct we have
 been obliged freely to animadvert, is a Clergyman
 of the Church of England, yet we believe there are
 many of that order who will highly disapprove his
 treatment of us; and we hope that this general dis-
 approbation of his conduct in this affair will pro-
 duce its proper effect on his own mind. He has
 been

been not a little solicitous to make it believed, that he " has scarcely had any other pleasures or pain, " concern or satisfaction, than what related to the " rights and interests of a defrauded and impoverish- " ed church." If this language is assumed merely to interest the Clergy and the members of that Church in his cause, and to prepossess them against those who are the objects of his prosecution, it is not only disingenuous, but must fail of accomplishing the intended effect. No reasonable member of the established Church will believe that its interests are supported, and its credit and influence extended, by an unbounded attachment to self-interest, and a spirit of resentment, in those who are appointed to discharge its offices. Meekness and moderation, a gentle and conciliating spirit, charity and a tender solicitude for the ease and happiness of all around him, are the qualities which endear the publick teacher, and reflect honour upon the church of which he is a pastor.

We have now finished our remarks on those parts of the Pamphlet which are applicable to us; and we trust that every candid reader will acquit us of the charges which have been brought against us. We recommend to George Markham a serious and dispassionate review of the whole of his conduct, and of ours, respecting this business. If it produce a proper regret for the part he has acted, and determine him to avoid in future a mode of conduct so injurious to others, and so little likely to secure peace in his

his own mind, we shall sincerely rejoice on his account, as well as on that of many others, who will probably derive advantages from such a change of disposition.

YORK CASTLE,
23d Ninth Month, 1797.

JOHN WORMALL.

HENRY WORMALL.

JOSEPH BROWN.

JAMES WALTON.

JOHN STANSFIELD.

IT is with peculiar satisfaction, that the Editor of this edition informs the Reader, that the Prisoners are now liberated from their confinement, by the kind interposition of the Legislature. Last Session of Parliament, a clause was added to the Insolvent Act then passed, by virtue of which, the Prisoners, on appearing before the Justices at an adjournment of the Quarter Sessions for the West Riding of the County, held at the Castle of York, on the 16th instant, were then set at liberty.

On discharging them, the Justices directed warrants to be made out for the amount of the Sums decreed against them respectively by the Court of Exchequer, with the proportion of Costs upon each.

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24th of Tenth Month, 1797.

